

REMARKS/ARGUMENTS

Claims 9-11, 13, 15, 16, 25-27, 29 and 31-44 are pending. The claims have not been amended in this response. Thus, Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejections – 35 USC § 103: Wang and Lupien

Claims 9, 10, 15, 16, 25, 26, 31-34, 37-39, 41 and 43 are rejected under 35 USC § 103(a) as being obvious over Wang (U.S. Patent No. 7,447,905) in view of Lupien et al. (U.S. Patent No. 6,463,055). Applicants respectfully traverse this rejection.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.¹

In particular, referring to independent claims 9, 25 and 33, there is no combination of the cited references that discloses or suggests a data transfer procedure or a transmitting entity including the means for or actions of

receiving at the lower data handling layer of the transmitting entity an acknowledgement of receipt of at least one later positioned one of the plurality of data units from the receiving entity;

sending a confirmation of receipt of the at least one later positioned one of the plurality of data units from the lower data handling layer of the transmitting entity to the higher data handling layer of the transmitting entity based on the acknowledgement;

discarding in-sequence any buffered data units at the higher data handling layer of the transmitting entity based on received confirmations;

determining that the first transmission link is broken;

purging the buffered plurality of data units at the lower data handling layer of the transmitting entity upon determining the first transmission link is broken;

maintaining the buffering of the at least one later positioned one of the plurality of data units and an earlier positioned one of the plurality of data units at the higher data handling layer of the transmitting entity, upon determining the first transmission link is broken, if at least an implied

¹ MPEP, section 2142.

acknowledgement of receipt of the at least one earlier positioned one of the plurality of data units in the sequence is not received from the receiving entity at the lower data handling layer of the transmitting entity;

establishing a second transmission link between the transmitting entity and the receiving entity; and

retransmitting, via the second transmission link, the at least one earlier positioned one of the plurality of data units and the at least one later positioned one of the plurality of data units buffered at the higher data handling layer of the transmitting entity.

Wang discloses that the “recovering SNDCP 23 sends PDUs 35, each of which is initially buffered in a PDU queue 27, to LLC 22 in a series of requests 33. PDUs in PDU queue 27 are considered outstanding until an acknowledgement (ACK) 34 is received from LLC 22.”² Wang further discloses that during the recovery of unacknowledged requests, the recovering SNDCP 23 resends all outstanding PDUs in queue 27.³

However, Wang completely fails to disclose “discarding in-sequence any buffered data units at the higher data handling layer of the transmitting entity based on received confirmations,” as recited by claims 9, 25 and 33.

Moreover, Wang does not disclose or suggest “buffering of the at least one later positioned one of the plurality of data units and an earlier positioned one of the plurality data units at the higher data handling layer of the transmitting entity... if at least an implied acknowledgement of receipt of the at least one earlier positioned one of the plurality of data units in the sequence is not received from the receiving entity at the lower data handling layer of the transmitting entity,” as recited in claims 9, 25 and 33. In contrast, Wang discloses resending all outstanding PDUs, e.g., unacknowledged requests, in the queue of the recovering SNDCP. However, there is no disclosure in Wang to suggest at least one later acknowledged request is buffered along with an earlier unacknowledged request.

The Office Action, on page 5, admits Wang fails to disclose “receiving at the lower data handling layer of the transmitting entity an acknowledgement of receipt of at least one later positioned one of the plurality of data units from the receiving entity,” and relies on Lupien to cure the deficiencies of Wang.

² Wang, col. 5, lines 19-23

³ Wang, col. 5, lines 55-58 and col. 6, lines 43-45

Lupien, in col. 8, lines 36-40, relates to packet data service areas, and does not disclose or suggest "acknowledgement of receipt of at least one later positioned one of the plurality data units from the receiving entity," as asserted by the Office Action. Thus, the addition of Lupien fails to cure the above noted deficiencies of Wang.

Therefore, based on the foregoing, the Examiner is respectfully requested to withdraw the rejection of claims 9, 10, 15, 16, 25, 26, 31-34, 37-39, 41 and 43 are rejected under 35 USC § 103(a) as being obvious over Wang in view of Lupien.

Claim Rejections – 35 USC § 103: Wang, Lupien, Odman and Jalali

Claims 11, 27 and 35 are rejected under 35 USC § 103(a) as being obvious over Wang in view of Lupien, as applied to claims 9, 25 and 33, and further in view of Odman (U.S. Patent Pub. No. 2003/0210710). Claims 13, 29, 36, 40, 42 and 44 are rejected under 35 USC § 103(a) as being obvious over Wang in view of Lupien, as applied to claims 9, 25 and 33, and further in view of Jalali et al. (U.S. Patent No. 6,694,469). Applicants respectfully traverse this rejection.

Applicants respectfully traverse this rejection, as any combination of Wang, Lupien, Odman and Jalali fails to disclose or suggest the recited subject matter. In particular, claims 11, 13, 27, 29, 35, 36, 40, 42 and 44 respectively depend from independent claims 9, 25 and 33, which are believed to be patentable over Wang and Lupien as noted above. Further, Odman and Jalali fail to address the above-noted failures of Wang and Lupien. Thus, claims 11, 13, 27, 29, 35, 36, 40, 42 and 44 are also non-obvious and patentably distinguishable over the cited prior art references.⁴ Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Therefore, based on the foregoing, the Examiner is respectfully requested to withdraw the rejection of claims 11, 27 and 35 under 35 USC § 103(a) as being obvious over Wang in view of Lupien, and further in view of Odman; and the rejection of claims 13, 29, 36, 40, 42 and 44 under 35 USC § 103(a) as being obvious over Wang in view of Lupien, and further in view of Jalali.

⁴ MPEP 2143.03.

CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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